

REMARKS

Claims 1-13 are pending in this application. Applicants have added new claims 11-13. Support for these amendments can be found, for example, in the specification and original claims 2, 3, and 5. No new matter has been added.

In a Restriction Requirement dated November 6, 2009, the Examiner required an election under 35 U.S.C. § 121 and 372 among the following five (5) groups of claims:

- I. Claims 1-3, and 5, drawn to a “prophylactic antimigraine agent”;
- II. Claim 4, drawn to a “combined preparation for migraine comprising two separate active ingredients”;
- III. Claims 6-8, to a “method of making a prophylactic antimigraine agent”;
- IV. Claim 9, drawn to a “method for prophylaxis of migraine comprising administering a selective dual antagonist”; and
- V. Claim 10, drawn to a “method for prophylaxis of migraine comprising administering two separate 5-HT receptor antagonists.

While Applicants do not agree with the restriction requirement, Applicants provisionally elect Group IV, claim 9, without traverse.

The Office Action contains a number of statements characterizing the claims with which Applicants do not agree. Unless expressly noted otherwise, Applicants decline to subscribe to any characterizations or assertions included in the in the Office Action.

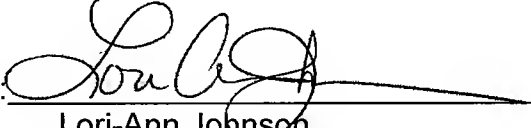
The Examiner is cordially invited to call Applicants’ undersigned attorney at (404) 653-6460 if a telephone conversation would expedite the prosecution of the above-referenced application.

If there is any fee due in connection with the filing of this Response, please
charge the fee to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 7, 2009

By: 
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